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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/283,970 04/02/99 YOSHIHARA

S DP-475US

EXAMINER

WM02/0314

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TRINH S

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/283,970

Applicant(s)

Shigeo Yoshihara

Examiner

Sonny Trinh

Group Art Unit

2681



☒ Responsive to communication(s) filed on Apr 2, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 4-12 is/are allowed.

☒ Claim(s) 1 and 2 is/are rejected.

☒ Claim(s) 3 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 09/14/99, paper nos. 3 has been considered and placed in the application file.

Drawings

2. The drawings filed on 04/02/99 has been approved by the Draftsperson.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (Harris; Patent No. 6,009,336) in view of Ooishi et al. (Ooishi; Patent No. 5,038,202).

Consider **claim 1**. Harris teaches a hand-held radiotelephone having a detachable display. Harris further discloses that the communication device (figure 1) can be a wireless device, such as

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a cellular radiotelephone (column 2, lines 55-65) that obviously communicates with a base station. Furthermore, Harris teaches the enhancement over the traditional radiotelephone by having a speakerphone which amplifies the audio in the presence of loud ambient noise (column 1, lines 23-42). Harris further discloses the displaying means for displaying the image data (figure 1, element 184). However, Harris does not expressly disclose the discriminating means for discriminating the voice signal from the image signal. In an analogous art, Ooishi discloses an image transmission system for use in a video phone with display means for sequentially displaying an image signal (column 2, line 58 to column 5, line 60). Ooishi further discloses the discriminating circuit for discriminating the voice signal from the image signal (column 9, line 40 to column 10, line 45).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the Harris's system, the discriminating circuit, as taught by Ooishi, for separating the audio signal from the video signal. The motivation for doing so would be to amplify the audio signal to accommodate the user (video signals are normally not amplified).

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (Harris; Patent No. 6,009,336), Ooishi et al. (Ooishi; Patent No. 5,038,202) and in further view of in view of Harada (Harada; Patent No. 6,038,529).

Consider **claim 2**. The combination of Harris and Ooishi discloses the invention except for the discrimination datum is defined by transmission capacity. In an analogous art, Harada discloses the transmitting and receiving system compatible with data of both the silence compression and non silence compression. Harada further discloses audio signal is discriminated by the transmission

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capacity (column 4, lines 50 to column 5, line 54). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the Harris's system, the discriminating circuit, as taught by Ooishi, for separating the audio signal from the video signal, and the discrimination based on the transmission capacity, as taught by Harada to obtain the invention as specified in claim 2. The motivation for doing so would be to determine when to amplify the audio signal depending on the transmission content (video signals vs. Audio data).

Allowable Subject Matter

6. **Claim 3** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior art of record disclosed numerous examples of adjusting the volume of a portable communication device but failed to teach or fairly suggested the specific functions / limitations set forth in claim 3, specifically the transmission capacity represents a data transfer capacity and a data transfer velocity.

7. **Claims 4-12** are allowed.

Examiner's Statement of Reasons for Allowance:

Regarding **claims 4, 7, and 10**, the prior art provided numerous examples of volume control in a mobile telephone device but failed to disclose or fairly suggest the specific combination of

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structural and functional limitations set forth in claims 4,7, and 10, specifically the controlling means for controlling the amplifying means so that a user can hear, at a first state and a second state depending on the discriminating datum that is sent by the base station.

Claims 5-6 are allowed as being depended on independent claim 4.

Claims 8-9 are allowed as being depended on independent claim 7.

Claims 11-12 are allowed as being depended on independent claim 10.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Malmi et al.	US Patent	5,313,661	Method and arrangement for adjusting the volume in a mobile telephone.
O'Donnell Jr. et al.	US Patent	5,483,689	Radio receiving with microprocessor control.
Patterson et al.	US Patent	5,749,056	Audio ramping technique for a radio
Naddell et al.	US Patent	5,450,618	Full duplex and half duplex communication unit with volume setting
Demuro et al.	US Patent	5,404,582	Aural annunciator circuit for a receiver
Gershkovich et al.	US Patent	5,448,620	Volume control for a dual mode communications device.

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Conclusion

Any response to this action should be mailed to:

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or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

*(703) 308-6296 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).*

*Any inquiry concerning this communication or earlier communications from the examiner should
be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally
be reached Monday through Thursdays from 7:00 am to 4:00 pm, and on alternate Fridays.*

*Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.*

Sonny Trinh S.T.

March 12, 2001


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SUPERVISORY PATENT EXAMINER
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